

## SENATE BILL No. 293

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-4.

**Synopsis:** Self-sufficiency standard for employment. Requires the department of workforce development to: (1) develop a self-sufficiency standard; and (2) distribute the standard to all state agencies that counsel individuals who seek education, training, or employment. Provides that the self-sufficiency standard may not be used to: (1) analyze the success or failure of a program; or (2) determine eligibility or benefits for any state or federal public assistance program. Makes conforming amendments.

**Effective:** Upon passage.

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**Howard**

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January 9, 2006, read first time and referred to Committee on Pensions and Labor.

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Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## SENATE BILL No. 293

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 22-4-2-39 IS ADDED TO THE INDIANA CODE  
2       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3       UPON PASSAGE]: **Sec. 39. As used in this article, "self-sufficiency**  
4       **standard" means a calculation of the income an adult individual**  
5       **requires to meet the needs of the family of the individual, including**  
6       **but not limited to the following:**

- 7               **(1) Housing.**  
8               **(2) Food.**  
9               **(3) Dependent care.**  
10              **(4) Transportation.**  
11              **(5) Medical costs.**

12       SECTION 2. IC 22-4-18-1, AS AMENDED BY P.L.1-2005,  
13       SECTION 184, IS AMENDED TO READ AS FOLLOWS  
14       [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) There is created a  
15       department under IC 22-4.1-2-1 which shall be known as the  
16       department of workforce development.

17       (b) The department of workforce development may:

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(1) Administer the unemployment insurance program, the Wagner-Peyser program, the Workforce Investment Act, the Job Training Partnership Act program, including a free public labor exchange, and related federal and state employment and training programs as directed by the governor.

(2) Formulate and implement an employment and training plan as required by the Workforce Investment Act (29 U.S.C. 2801 et seq.), the Job Training Partnership Act (29 U.S.C. 1501 et seq.), and the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(3) Coordinate activities with all state agencies and departments that either provide employment and training related services or operate appropriate resources or facilities, to maximize Indiana's efforts to provide employment opportunities for economically disadvantaged individuals, dislocated workers (**as defined in IC 22-4-41-2**), and others with substantial barriers to employment.

(4) Apply for, receive, disburse, allocate, and account for all funds, grants, gifts, and contributions of money, property, labor, and other things of value from public and private sources, including grants from agencies and instrumentalities of the state and the federal government.

(5) Enter into agreements with the United States government that may be required as a condition of obtaining federal funds related to activities of the department.

(6) Enter into contracts or agreements and cooperate with local governmental units or corporations, including profit or nonprofit corporations, or combinations of units and corporations to carry out the duties of this agency imposed by this chapter, including contracts for the establishment and administration of employment and training offices and the delegation of its administrative, monitoring, and program responsibilities and duties set forth in this article. Before executing contracts described by this subdivision, the department shall give preferential consideration to using departmental personnel for the provision of services through local public employment and training offices. Contracting of Wagner-Peyser services is prohibited where state employees are laid off due to the diversion of Wagner-Peyser funds.

(7) Perform other services and activities that are specified in contracts for payments or reimbursement of the costs made with the Secretary of Labor or with any federal, state, or local public agency or administrative entity under the Workforce Investment Act (29 U.S.C. 2801 et seq.), the Job Training Partnership Act (29

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U.S.C. 1501 et seq.), or private nonprofit organization.

(8) Enter into contracts or agreements and cooperate with entities that provide vocational education to carry out the duties imposed by this chapter.

(c) The department of workforce development may not enter into contracts for the delivery of services to claimants or employers under the unemployment insurance program. The payment of unemployment compensation must be made in accordance with 26 U.S.C. 3304.

(d) The department of workforce development may do all acts and things necessary or proper to carry out the powers expressly granted under this article, including the adoption of rules under IC 4-22-2.

(e) The department of workforce development may not charge any claimant for benefits for providing services under this article, except as provided in IC 22-4-17-12.

(f) The department of workforce development shall distribute federal funds made available for employment training in accordance with:

(1) 29 U.S.C. 2801 et seq., 29 U.S.C. 1501 et seq., and other applicable federal laws; and

(2) the plan prepared by the department under subsection (g)(1). However, the Indiana commission on vocational and technical education within the department of workforce development shall distribute federal funds received under 29 U.S.C. 1533.

(g) In addition to the duties prescribed in subsections (a) through (f), the department of workforce development shall do the following:

(1) Implement to the best of its ability its employment training programs (as defined in IC 22-4.1-13-3), the comprehensive vocational education program in Indiana developed under the long range plan under IC 22-4.1-13-9, and the skills 2016 training program established under IC 22-4-10.5.

(2) Upon request of the budget director, prepare a legislative budget request for state and federal funds for employment training. The budget director shall determine the period to be covered by the budget request.

(3) Evaluate its programs according to criteria established by the Indiana commission on vocational and technical education within the department of workforce development under IC 22-4.1-13-13.

(4) Make or cause to be made studies of the needs for various types of programs that are related to employment training and authorized under the Workforce Investment Act and the Job Training Partnership Act.

(5) Distribute state funds made available for employment training

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that have been appropriated by the general assembly in accordance with:

(A) the general assembly appropriation; and

(B) the plan prepared by the department under subdivision (1).

(6) Establish, implement, and maintain a training program in the nature and dynamics of domestic and family violence for training of all employees of the department who interact with a claimant for benefits to determine whether the claim of the individual for unemployment benefits is valid and to determine that employment separations stemming from domestic or family violence are reliably screened, identified, and adjudicated and that victims of domestic or family violence are able to take advantage of the full range of job services provided by the department. The training presenters shall include domestic violence experts with expertise in the delivery of direct services to victims of domestic violence, including using the staff of shelters for battered women in the presentation of the training. The initial training shall consist of instruction of not less than six (6) hours. Refresher training shall be required annually and shall consist of instruction of not less than three (3) hours.

**(7) Not later than:**

**(A) December 31, 2006, develop a self-sufficiency standard by using the staff of the department of workforce development or a consultant. The standard must take into account the following:**

**(i) Geographical variations in cost.**

**(ii) The ages of and number of children in a family.**

**(iii) Any state or federal public assistance benefit received by a family.**

**(B) March 1, 2007, distribute the self-sufficiency standard to all state agencies that counsel individuals who are seeking:**

**(i) education;**

**(ii) training; or**

**(iii) employment.**

**The state agencies shall use the self-sufficiency standard to assist individuals in establishing personal financial goals and estimating the amount of income needed to support the families of the individuals. The self-sufficiency standard may not be used to analyze the success or failure of a program or to determine eligibility or benefits for any state or federal public assistance program.**

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1 SECTION 3. IC 22-4-40-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this  
3 chapter, "underemployed" means an individual:

4 (1) working part-time but seeking full-time work; or

5 (2) working full-time but receiving wages below the greater of:

6 (A) the poverty level determined in accordance with ~~criteria~~

7 **the self-sufficiency standard** established by the department

8 **under IC 22-4-18-1(g)(7);** or

9 (B) seventy percent (70%) of the lower living standard income  
10 level as determined by the Bureau of Labor Statistics.

11 SECTION 4. **An emergency is declared for this act.**

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